

Rule 3. Structure; meetings; formal hearings.

1. A respondent may not participate as a member of the commission in any proceeding involving a charge against respondent.
2. A member of the commission who cannot serve by reason of disqualification, resignation, inability to attend or any other reason is to be replaced by his or her alternate. In the event of such a replacement, an alternate must act and vote in the place of the absent member. In proceedings against a municipal judge or justice of the peace, within 20 days after service of a formal statement of charges, the respondent may file a demand with the commission's clerk, sending a copy to the chief justice, requesting that the supreme court substitute as judicial members of the commission judges serving in courts of limited jurisdiction outside the county in which the respondent presides.
3. The commission may be convened by the chairman or on request of three or more members. Meetings may be held on not less than three days' notice, but this requirement may be waived by consent of all the members.
4. A quorum for the conduct of business other than the hearing and decision of formal disciplinary proceedings is four members. The action of a majority of the members present at any meeting at which a quorum is present is the action of the commission, except that no respondent may be censured, temporarily suspended under rule 10, removed or retired from office or punished for contempt, unless five or more members so concur.
5. Routine business of the commission requiring approval of the members may be transacted by telephone or other informal poll of all members appointed, the majority concurring, but if any member objects to such a poll, the matter must be deferred until the next meeting.
6. Any member of the commission or sitting alternate member may be disqualified upon challenge for cause by the respondent or by counsel prosecuting a complaint or a formal statement of charges. A challenge must be heard by the commission, and the commission may disqualify any commissioner who by reason of actual or implied bias would, in the opinion of a majority of the members present, either be prevented from adjudicating the matter in a fair and impartial manner or, by reason of facts creating an appearance of impropriety, be prevented from adjudicating the matter in a manner consistent with maintenance of public confidence in the commission.
7. A challenge for implied bias must be allowed on a showing of any of the grounds relating to jurors which are enumerated in NRS 16.050.
8. No later than 20 days prior to the commencement of a hearing upon a formal statement of charges, counsel appointed to present evidence in support thereof or counsel for the respondent may exercise a single peremptory challenge to any of the commission members. The peremptory challenge must be filed in writing with the clerk of the commission. A formal hearing may proceed before a quorum of 5 members of the commission.
9. No member may vote by substitution or proxy.